

Applicant(s): Rudi Mueller-Walz  
Serial No.: To Be Assigned  
Filing Date: March 31, 2006  
Title: "Aerosol Formulation Comprising  
Formoterol in Suspension"  
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Docket No.: 28069-623-NATL

### **REMARKS**

In this Preliminary Amendment, claims 1-19 and 21-28 are currently amended; claim 20 was previously presented; and new claims 29-33 have been added. The amended and new claims find support in the specification as filed and in the original claims. More specifically, amendments to claims 1-19 and 21-28 relate to form/grammar for the purpose of clarity and to be in keeping with U.S. form and practice . New claims 29-33 find support in original claims 13 and 27. Accordingly, no new matter has been introduced into the application by virtue of the amended and newly presented claims.

Claims 1-33 are currently pending in the application.

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### CONCLUSION

Applicants respectfully submit that this application is in condition for allowance. An action progressing this application to issue is courteously urged.

Should any additional fee(s) be deemed to be properly assessable in this application, the Commissioner is hereby authorized to charge any such additional fee(s), or to credit any overpayment, to Deposit Account No. **50-0311**, Reference no. **28069-623-NATL**, Customer Number: **35437**.

If the Examiner is of the opinion that further discussion of the application would be helpful, the Examiner is respectfully requested to telephone the Applicant's undersigned representative at (212) 692-6742 and is assured of full cooperation in an effort to advance the prosecution of the instant application and claims to allowance.

Respectfully submitted,

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C.

Date: March 31, 2006

By: Leslie A. Serunian  
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